

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PATRICK S.,

PLAINTIFF

v.

**ANDREW M. SAUL, COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,**

DEFENDANT

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CIVIL No. 1:18-cv-289-DBH

ORDER ON MOTION FOR ATTORNEY FEES

I **GRANT** the motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, but in the amount of \$9,442.88.

The Commissioner concedes that the plaintiff is entitled to an award, but objects to the amount. I find merit in the Commissioner's objection to the amount in the following respects. First, I respect the plaintiff's counsel's candor in admitting that advancing age can lengthen the time it takes to write an effective brief. But the standard is "reasonable fees," an objective standard not dependent on counsel's age or perspicacity. See Hensley v. Eckerhart, 461 U.S. 424 , 433, 435 (1983) (describing "the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate" as "an *objective*" fee estimate, which may be increased in "exceptional" cases (emphasis added)). Second, the plaintiff's lawyer filed an unnecessary and unpermitted reply brief. See Local Rule 72.1(a); Reply in Resp. to Obj. (ECF No. 21). I therefore reduce the compensable lawyer's time by 8 hours to 46.8 hours. At the unobjected-to hourly rate of \$200.35, the total attorney fee is \$9,376.38, and the total fee award including paralegal time is \$9,442.88. I **GRANT** the motion in that amount.

SO ORDERED.

DATED THIS 18TH DAY OF DECEMBER, 2019

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE